

Notice of Allowability	Application No.	Applicant(s)	
	10/051,612	BROWN ELLIOTT ET AL.	
	Examiner	Art Unit	
	Antonio A. Caschera	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 02/08/06.
2. ☒ The allowed claim(s) is/are 1-18 and 34-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>02/13/06</u> <u>2-8-06</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(e).

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Listing of Claims:

1-18. *(Previously Presented)*

19-33. *(~~Withdrawn~~ Canceled)*

34-42. *(Previously Presented)*

Response to Arguments

3. Applicant's arguments, see pages 12-15 of Applicant's Remarks, filed 02/08/06, with respect to the double patenting claims 1, 10 and 42 have been fully considered and are persuasive. The double patenting rejection of claims 1, 10 and 42 has been withdrawn as per MPEP 1490 section "D", ... "if the ODP (obvious type double patenting) rejection is the only

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rejection remaining in the earlier filed application...the examiner should then withdraw the rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer.” Therefore the application is in condition for allowance.

Allowable Subject Matter

4. Claims 1-18 and 34-42 are allowed.

The following is an examiner’s statement of reasons for allowance:

In reference to claims 1 and 34, the prior art of record (Weldy (U.S. Patent 6,804,407), Peters et al. (U.S. Patent 5,541,653), Kasson (U.S. Patent 5,774,112), Keely et al. (U.S. Patent 6,750,875) and Van Hook et al. (U.S. Patent 6,937,245)) does not explicitly disclose forming a set of fractions for each resample area whose denominators are a function of said resample area and whose numerators are said function of an area of each of said implied sample areas that at least partially overlaps the resample areas, in combination with the further limitations of claims 1 and 34 respectively.

In reference to claim 10, the prior art of record (Weldy (U.S. Patent 6,804,407), Peters et al. (U.S. Patent 5,541,653), Kasson (U.S. Patent 5,774,112), Keely et al. (U.S. Patent 6,750,875) and Van Hook et al. (U.S. Patent 6,937,245)) does not explicitly disclose determining for each resample area a percentage overlap area of each overlapping implied sample area with said resample area to obtain data values, multiplying the data values by the percentage overlap area and adding these product together to obtain luminance values for each resample area, in combination with the further limitations of claim 10.

In reference to claims 2-9, 11-18 and 35-42, claims 2-9, 11-18 and 35-42 depend upon allowable claims 1, 10 and 34 respectively and are therefore also deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

References Cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Van Hook et al. (U.S. Patent 6,937,245)
 - Van Hook et al. discloses a graphics system converting RGB color to YUV color data using super-sampling techniques.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

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4/20/06

PATENT EXAMINER



Kee M. Tung
Primary Examiner